

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROSE TIGNOR,

Plaintiff,

vs.

Civil Action 2:08-CV-439
Judge Graham
Magistrate Judge King

COLUMBIA GAS OF OHIO,

Defendant.

REPORT AND RECOMMENDATION

Plaintiff seeks leave to proceed in this case without prepayment of fees or costs. Doc. No. 1. Plaintiff's application for leave to proceed *in forma pauperis* is **GRANTED**. However, after performing the initial screen of the complaint required by 28 U.S.C. §1915(e)(2), the Court concludes that it lacks jurisdiction to hear the case.

Plaintiff is a resident of Ohio. The only named defendant is Columbia Gas of Ohio, also an Ohio resident. Although the complaint is not entirely clear, plaintiff appears to allege that defendant improperly billed plaintiff for gas used by another person. Plaintiff seeks monetary damages in the amount of "120,000 billion trillion."

The Court has jurisdiction to hear cases that arise under federal law, 28 U.S.C. §1331, and cases between citizens of different states, 28 U.S.C. §1332. The allegations of the complaint do not give rise to a claim under federal law and the parties are both residents of Ohio. Thus, the Court appears to lack jurisdiction to hear this case.

It is therefore **RECOMMENDED** that the action be dismissed for lack of subject matter jurisdiction.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within ten (10) days, file and serve on all parties objections to the *Report and Recommendation*, specifically

designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within ten (10) days after being served with a copy thereof. F.R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Federation of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

May 9, 2008

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge